

EXHIBIT FF

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS LLC,
JOHN WILEY & SONS, INC., and
PENGUIN RANDOM HOUSE LLC,

Plaintiffs,

vs.

No. 1:20-cv-04160-JGK

INTERNET ARCHIVE and DOES 1
through 5, inclusive,
Defendants.

_____ /

-- ATTORNEYS' EYES ONLY --

VIDEOTAPED RULE 30(B)(1) AND 30(B)(6) DEPOSITION
OF HACHETTE BOOK GROUP, INC., BY ALISON LAZARUS

Remote Zoom Proceeding

Rye Brook, New York

Friday, November 12, 2021

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

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Job No. 4867752

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6 HARPERCOLLINS PUBLISHERS LLC,
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17 Videotaped Rule 30(b)(1) and Rule 30(b)(6)
18 depositions of HACHETTE BOOK GROUP, INC., BY
19 ALISON LAZARUS, taken on behalf of Defendants, Remote
20 Zoom Proceeding from Rye Brook, New York, beginning at
21 10:02 a.m. Eastern Standard Time and ending at 6:18 p.m.
22 Eastern Standard Time, on Friday, November 12, 2021,
23 before Leslie Rockwood Rosas, RPR, Certified Shorthand
24 Reporter No. 3462.
25

1 APPEARANCES :

2
3 FOR THE PLAINTIFFS :

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20
21 Also Present :

22 Min Lee, Hachette Book Group

23 Corynne McSherry, Internet Archive

24 John Macdonell, Videographer

25 Chelsea Gilchrist, Concierge

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1 determine whether the Internet Archive's digital lending
2 program has had any effects on Hachette's revenues from
3 books?

4 A. Can you repeat the question? I'm sorry.

5 Q. Sure. No problem. 10:27:11

6 Has Hachette conducted any analysis to determine
7 the Internet Archive's digital lending program -- excuse
8 me -- strike that.

9 Has Hachette conducted any analysis to determine

10 whether the Internet Archive's digital lending program

10:27:29

11 has had any effect on Hachette's revenue from books?

12 A. Not that I'm aware of.

13 Q. Is Hachette aware of any other digital lending
14 program apart from the Internet Archive?

15 MS. MCNAMARA: Objection. Vague. 10:27:54

16 THE WITNESS: Should I -- shall I answer?

17 MS. MCNAMARA: Yes.

18 THE WITNESS: Okay.

19 We work with public libraries and academic

20 institutions to enable digital lending. 10:28:12

21 Q. BY MS. LANIER: Is Hachette aware of any
22 libraries or similar institutions that digitize physical
23 books and make those scans available to patrons for
24 borrowing?

25 A. No. 10:28:33

1 that.

2 Is Hachette able to use that data to perform any
3 analysis about the effect of library eBook lending on
4 library retail sales?

5 MS. MCNAMARA: Objection. This is very 10:45:58
6 confusing. Do you understand the question, Alison?

7 THE WITNESS: No. I was just going to say I'm
8 not sure what you mean about library retail sales because
9 libraries aren't retailers.

10 Q. BY MS. LANIER: That was a verbal error on my 10:46:12
11 part. Thank you for giving me a chance to clarify.

12 What I was trying to ask, but inartfully, is
13 whether Hachette is able to use the types of data we were
14 just talking about to analyze the effect of library eBook
15 lending on retail sales of eBooks. 10:46:29

16 A. We -- we do try to do that. It's -- it's, you
17 know, speculative because you can't truly directly make
18 that correlation, meaning, again, I -- we can't tell, you
19 know, why somebody borrowed a book versus buying the
20 book. So we look at the trends to try to understand 10:46:58
21 what's happening in both markets, and we do use that data
22 to inform our decision making.

23 Q. BY MS. LANIER: When you say "to inform our
24 decision making," what do you mean by that?

25 A. Looking at our approach to the retail eBook 10:47:21

1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)
3

4 I, LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462, do
5 hereby certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections
10 made by counsel at the time of the examination were
11 recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel for
17 any party to said action, nor am I related to any party
18 to said action, nor am I in any way interested in the
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 18th day of November, 2021.
22

23
24 

25 LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462